

REMARKS

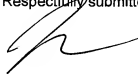
Applicants Attorney participated in an Interview with Examiner Robinson and Examiner Grunberg on August 27, 2010. During this interview, the patentability of claims listing the specific wild *Lycopersicon* varieties of interest (LA1963, LA2884 and LA1926) was discussed. Herein, Applicants have amended claim 37 to include the limitations previously found in claim 40, i.e. the specific wild varieties. Applicants have cancelled claims 38-40 and 42-43. Applicants have also added new claims 54-56 as dependent claims from claim 41. Claims 44-53 have previously been withdrawn.

Applicants additionally note that each of these varieties is readily available to the public from multiple sources held in various publically funded germplasm repositories worldwide. Typically, these repositories hold duplicates of each other's holdings to maintain the genetic diversity resources of the species in the case of catastrophic loss of one or more centers or extinction of the species in the wild. In addition, a number of public sector tomato breeders maintain them for use in their breeding programs.

CONCLUSION

Based on the interview with the Examiner, Applicants believe that this amendment overcomes all previous rejections and that claims presented herein are allowable. In the event issues remain that could be dealt with on the telephone, the Examiner is encouraged to call the undersigned attorney for Applicants at 919-226-7345.

Respectfully submitted,



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